

2/23/09 (10)

TOWN OF ACTON

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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** February 19, 2009
From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner
Subject: Site Plan Special Permit Application #06/05/07-411 - **Amendment**

Location: 253 Main Street
Applicant: Ken Sundberg, 20 Henley Road, Acton, MA 01720
Owner: The Sundberg Family Acton
Nominee Trust
Zoning: Kelley's Corner (KC)
Groundwater Protection District Zone 4
Hearing Date: February 23, 2009 (Original Hearing: January 26, 2009)
Decision Due: April 26, 2009

This communication shall be supplementary to the Planning Department's original interdepartmental communication dated January 15, 2009. All of the information provided within the original interdepartmental communication remains in effect. This communication shall serve as additional information.

As requested at the last hearing, the applicant has submitted the required landscaping plan and additional comments have been received from the Design Review Board and Municipal Properties Director regarding the submitted drawing. Copies of the review comments are attached.

Background:

The applicant is proposing to enlarge an existing commercial building by constructing a 3,050 ft² single story addition. The existing building is approximately +/- 3,700 ft² in size and will essentially remain as it currently exists. Proposed site improvements include an enlargement of the existing restaurant use and additional professional and business office space in addition to septic system upgrades, general site grading improvements and an expanded parking lot area.

The property was previously the subject of a site plan special permit (06/05/07- 411) on November 5, 2007 in which a similar 2 story brick structure/addition totaling 10,138 ft² (0.20 FAR) was approved. According to the applicant, the reason for this site plan modification is due to the current economic climate conditions which have rendered the previously approved 2 story structure/addition economically unrealistic, however, the applicant wishes to proceed with a single story structure/addition at this time.

The Site Plan:

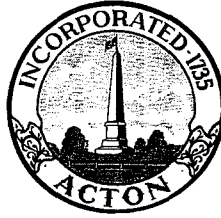
The entire site is approximately 1.16 acres in size and consists of two smaller individual parcels in common ownership. The front parcel (Parcel 121-1) directly abuts Main Street on the west and Beverly Road to the south and is approximately 0.8 acres (35,370 ft²) in area. The rear parcel (Parcel 121-2) is approximately 0.4 acres (17,164 ft²) in area. The subject property is located within the Kelley's Corner (KC) zoning district.

The currently existing 3,700 ft² single story structure was constructed in 1965 (as per the Town of Acton Assessor Office information) and is currently utilized as a doctor's office and restaurant use. There is also an asphalt paved parking area located in the front of the building on the western side of the building.

The proposed addition will be constructed on the northern side of the existing structure and is not proposed to encroach into any front, side or rear yard setbacks. The proposed relevant zoning information for the subject site is summarized in the following table:

Planning Department Additional Comments

1. The current amendment application submitted, indicates a 70 seat restaurant proposed. However, after direct consultation with the applicant, the applicant does not wish to pursue this option at this time. The applicant is content with proceeding on the basis that, at this time, there would be no increase in the permitted 30 seat restaurant. Should the applicant or the tenant, at any future date wish to increase the number of seats in the restaurant, then a new Special Use Permit would be required to be applied for and appear before the Board of Selectmen for review and comment.
2. Should the Board of Selectmen wish to close the public hearing and direct staff to prepare a decision for this application, it would be beneficial to staff if the Selectmen could provide specific guidance on any major conditions or comments which would significantly change or modify the site plan as to how they should be addressed within the decision.



Memorandum

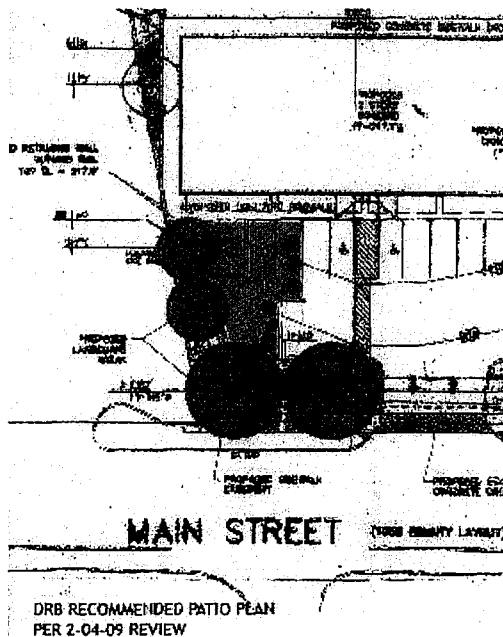
Project: 253 Main Street
Acton, MA
Landscape Plan dated 11/10/2008

Proponent: Ken Sundberg

Date of Review: 2/04/09

At the Building Dept.'s request the Design Review Board (DRB) reviewed the Landscape Plan submitted by the proponent Ken Sundberg and makes the following comment:

- ☐ The DRB recommends expanding the outdoor patio seating area to enhance look-and-feel of the site and improve its attractiveness as a pedestrian destination, per Acton Master Plan (1998), Kelley's corner Specific Area Plan (1995) and Acton Design Review Guidelines (2007); (see recommended drawing below)
- ☐ The DRB notes the Board initiated Zoning change in 2007, at Mr. Sundberg's instigation, to make open patio/café dining feasible in Acton, specifically with this project in mind. (With the Planning Board's assistance this zoning change passed unanimously at 2008 Town Meeting.) See posted Meeting Minutes, 8/22/07, on Town web site.
- ☐ The DRB recommends the proponent provide an elevation of the tall block retaining wall at the back of the site, showing scale, type, safety features if necessary, impact on surroundings.



- ☐ As noted in DRB Memo 1/07/09, the 51-parking spaces proposed for this project is counter to recommendations in Acton's Master Plan (1998), Kelley's corner Specific Area Plan (1995) and Acton's Design Review Guidelines (2007); its also does not follow the conservative spirit of Acton's Zoning Bylaw. (which requires 17 spaces).
- ☐ Finally, according to the Globe article attached 2/05/09, many suburbs are reducing parking requirements to increase property value & tax revenue. (See article attached)

Towns look to ease rules on parking

By James O'Brien

Globe Correspondent / February 5, 2009

Everyone loves a parking spot, but sometimes there can be too much of a good thing.

The number of spaces required at retail locations in some Eastern Massachusetts communities is so high, a recent study says, there's more space devoted to parking than to the stores themselves - eating up valuable real estate and adding to the storm-water runoff generated by acres of asphalt.

The scales are tipped in favor of parking once a community requires more than 3.3 spaces per 1,000 square feet of retail space, according to the study, released last month by the Metropolitan Area Planning Council.

Among area communities, from Newton to Marlborough and Sudbury to Wrentham, most require at least 5 to 6.9 parking spaces per 1,000 square feet of retail space, the study said.

Reducing parking requirements would "allow towns to build more on their lots" and hence reap more tax revenue, said Jim Gallagher, the regional organization's senior transportation planner.

And the reduction in storm-water runoff would also be considerable, according to Gallagher. Every parking space, at an average size of 300 square feet, sends 8,000 gallons of dirty storm water spilling into drainage systems or wetlands each year, he said.

Sherborn, Dover, Wayland, and Medfield are among the towns with the highest requirements, at 7 to 10 parking spaces per 1,000 square feet of retail.

Gino Carlucci, town planner in Sherborn and planning consultant for Dover, said he would like to see Sherborn lower its requirements, but said the issue "hasn't been pushed because there have been other, higher-priority zoning changes."

Sherborn has a "relief valve," according to Carlucci, since its Planning Board can adjust the requirement.

But in Dover, Carlucci said, changing the parking requirement would involve a variance from the Zoning Board of Appeals, a complex undertaking.

"We're in the process of reviewing zoning bylaws in general," Carlucci said, and he noted that the parking requirements "will probably come up."

Daniel Bennett, building commissioner in Wayland, said his town had required approximately 14 spaces per 1,000 square feet of retail space, but the number was cut in half in 2004, and may be cut again.

"You will see the town try to move to a more realistic number," Bennett said, suggesting a target of four or five spaces per 1,000 square feet.

In Medfield, Assistant Town Administrator Kristine Trierweiler said parking requirements are not on the table, but could be considered as part of a study committee's review of downtown development.

Regional planner Gallagher said higher parking requirements are typical of more rural communities, which lack retail development.

Officials in such communities often rely on generic national or regional standards, Gallagher said, which can be "skewed toward the worst day of the year. The tendency is to make sure there is enough parking on, say, the Friday after Thanksgiving, which then sits open for the rest of year."

Steve Magoon, director of community development and planning in Watertown, said his town has resisted the tendency, recognizing "some of the downsides to overbuilding parking spaces, in effect accommodating the day-after-Thanksgiving need over the needs for the rest of the year."

Watertown's retail parking requirements are the lowest among area communities, at fewer than three spaces per 1,000 square feet, requirements that Magoon said are reinforced by an urban layout that encourages walking, biking, and public transportation.

And in Needham, where the number of required retail parking spaces is already relatively low - at roughly 3.5 per 1,000 square feet - a state grant is fueling a study on reducing that figure.

Planning director Lee Newman said "the retail standard has been in place for at least 24 years. We're actually reducing it further in our downtown context to promote mixed-use development, and we're talking about exempting our retail services that are under 800 square feet in area."

But Newman acknowledged that such plans elicited "some conversation that there is inadequate parking downtown." That, she said, could be addressed by a shift in perspective.

"When you look at Needham Center, and the amount of asphalt dedicated to parking, it's not that there is insufficient parking," Newman said, "but how parking is being utilized that is the issue."■

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ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Scott Mutch, Planning Department *Date:* 2/6/09
From: Dean A. Charter, Municipal Properties Director
Subject: Landscape review, 253 Main Street (Sundberg) Amendment

1. A revised landscape plan has now been submitted with this application. The proposed plantings appear to be adequate and appropriate. The recently submitted landscape plan carries the revised date of "Jan. 14, 2008", and was drawn and stamped by Kim Ahern, RLA. The finished site should be in full compliance with this plan.
2. Prior to final inspection of the plantings by the Tree Warden, the applicant is to submit a letter, stamped and signed by the Landscape Architect of record, that the plantings were installed in compliance with commonly accepted industry practice, that they comply with the American Standard for Nursery Stock (ANSI Z60.1-2004), and that the actual plantings are consistent with the approved landscape plan.

**Ken Sundberg
Sundberg Realty Trust
20 Henley Road
Acton, MA 01720
978-815-3560**

February 2, 2009

Board of Selectman
460 Main Street
Acton, MA 01720

RE: 255 Main Street; Site Plan Special Permit #06/05/07-411

Dear Lauren S. Rosenzweig, Chair

I have now received the departments' comments to the site plan modification.

The modification is to change the building from a 2 story structure to a one story structure. The original building footprint is to be maintained.

DESIGN REVIEW BOARD

I have met with the Design Review Board in the development of the plan presented at the site plan hearing on January 26, 2009. I also included in the package previous to the hearing. The final rendition of the plan is within the recommendations of Design Review Board and was "and approved them with minor changes". Please review the DRB minutes dated October 1, 2008. The most current DRB comments change the building to a new plan. I have a complete set of plans ready to submit for a building permit based upon the DRB's original recommendations. I could not comment on DRB's new plan at the hearing having no prior knowledge of their memo dated January 7, 2009.

PLANING BOARD COMMENTS

1. The parking does exceed the number of parking spaces is in access of the zoning bylaw's recommendations. The additional parking is to accommodate snow storage and overflow parking from the Acton Bowladrome. The additional parking will be also needed once additional seating is approved by the Board. The greater portion of the parking is the rear of the building and hidden from the street. There are two landscaped islands and it is bordered on three sides with trees and shrubs providing additional screening from the street. (The landscaping plan approved in the original site plan is attached.)

2. The Planning Board's memo informs us that a special permit would be require to increase the number of seats in a restaurant. I am withdrawing that portion of the modification.
3. The original landscape plan attached is the original plan approved by the Board. It was not originally attached since there were no changes made.
4. The original lighting plan is attached. It was not originally attached since there were no changes made.
5. The snow loading is shown on the site
6. The closing of the current Main Street access would require an access from the adjoining property (not a common entrance for sharing parking). Further an access easement to pass over the adjacent property would be required. The easement can have a negative impact to the adjacent property limiting its flexibility for redevelopment. This had been discussed at the original site plan hearing and it was determined to maintain the existing access to Main St.

FIRE DEPARTMENT

"no comment" Chief Craig

ENGINEERING DEPARTMENT

Please see response for number 6 of the Planning Board.

MUNICIPAL PROPERTIES

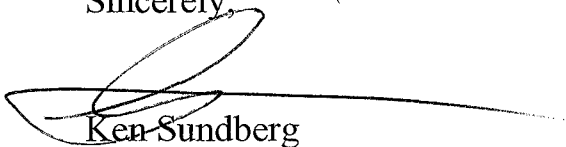
The landscaping plan is attached.

HEALTH DEPARTMENT

There is no increase of use required with this application.

I look forward to the hearing on February 23, 2009 to answer questions you may have regarding the site plan modification.

Sincerely:



Ken Sundberg

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Building Department Date: January 13, 2009
From: Engineering Department
Subject: Site Plan Special Permit Amendment – 253 Main Street

The Engineering Department has the following comments in regards to its review of the Site Plan Special Permit Amendment for 253 Main Street:

The Motor Vehicle Crash Police Reports indicate that there are a number of crashes at the intersection of Main Street and Beverly Road as well as the Kmart parking lot.

Due to these findings, our recommendation would be adding a condition to the owner's properties (253 & 257 Main Street) considering the consolidation or relocation of the driveway openings for both properties when and if a larger development occurs that would potentially increase the traffic entering or exiting onto Main Street.



INTRADEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone (978) 264-9634

TO: Building Dept.
FROM: Justin T. Snair, Health Dept.
RE: Comments 253 Main St.

DATE: December 30, 2008

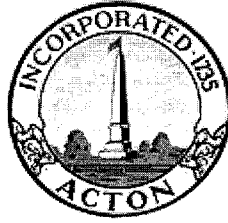
After review of the application and plans for 253 Main St, the Health Department has the following comments:

Comments:

- Additional occupancy may result in an increase in solid waste stream. Disclosure of Solid Waste Management Plan (current solid waste stream, expected stream with proposed changes, position of additional dumpsters if needed) is required.

CC: Doug Halley, Director; Health Dept.

Extra Info



MEMO

Design Review Board

Project: 253 Main Street
Acton, MA
Landscape Plan dated 11/10/2008

Proponent: Ken Sundberg

Date of Review: 1/07/09

The Design Review Board has discussed the renovation and expansion of 253 Main Street with Mr. Sundberg several times over a year and understands project scope has been reduced due to the economy. The previously planned 2-story addition is now one story, but the parking expansion for the larger project remains.

At this stage, the DRB finds that the project does not meet Acton's Design Review Guidelines for Commercial Districts, unanimously adopted by the Selectmen in 2007. Nor does the project follow the calls for turning Kelley's Corner into an attractive, walk-able business district laid out in Acton's many planning forums and studies, including the Kelley's Corner Specific Area Plan (1995). This document specifically recommends new development should be of the type that "reflects and reinforces the character of Acton."

The Design Review Board notes:

- ☐ The proposed building addition and renovation do not follow the traditional New England vernacular; see image below for example of New England vernacular;
- ☐ The proposed plan doubles the parking on site removing a side of a hill now covered with brush, trees and a green landscape and replacing it with asphalt;

- A large 140-foot long retaining wall, about 5 feet high will be a prominent feature of the project; no details of the type, color, of the retaining wall were provided; it is not clear whether safety features will be provided at the top or whether they are necessary;
- No landscape plan was provided; we are unable to tell if adequate screening will be provided for the adjacent residences;
- Finally, the DRB notes, at 51 parking spaces this project has triple the number required (17) according to Bylaw 6.9.5.3; in our view it will be difficult for this project to do anything but increase the sense of placeless-ness and suburban wasteland the KC district is already well known for;

In sum, the DRB can not recommend this project for permitting at this stage. We have spoken with Mr. Sundberg about this important parcel several times and would be happy to meet with him again at his convenience. Mr. Sundberg was not present for this latest review which was requested by the Building Department.

The Design Review Board
Town of Acton